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10 CROWN CASTLE NG WEST LLC

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15

16 CROWN CASTLE NG WEST LLC,  
17 a Delaware limited liability  
18 company,

19 Plaintiff,

20 vs.

21 TOWN OF HILLSBOROUGH, a  
22 California municipality; CITY  
23 COUNCIL OF THE TOWN OF  
24 HILLSBOROUGH, its governing  
25 body; AND DOES 1-10,

26 Defendants.

27 CASE NO.: 3:18-cv-02473-JSC  
28 DEPT: Ctrm F, 15th Flr  
JUDGE: Hon. Jacqueline Scott  
Corley

**JOINT STIPULATION  
REGARDING DISMISSAL OF  
ACTION PURSUANT TO  
SETTLEMENT AGREEMENT;  
~~PROPOSED~~ ORDER**

FILE DATE: April 25, 2018  
TRIAL DATE SET: No Date Set

29 Plaintiff CROWN CASTLE NG WEST LLC, a Delaware limited liability  
30 company (“Crown Castle”) and defendants TOWN OF HILLSBOROUGH, a  
31 California municipality and CITY COUNCIL OF THE TOWN OF  
32 HILLSBOROUGH, its governing body (collectively, “Town”)<sup>1</sup>, by and through  
33 their respective counsel, hereby stipulate as follows:

34 1. WHEREAS, on January 4, 2017, Crown Castle submitted to the Town  
35 various applications for wireless communications facility and encroachment

36 <sup>1</sup> Crown Castle and the Town are collectively referred to as “Parties.”

permits for the installation of a small cell network (“Original Project”);

2. WHEREAS, on or about March 26, 2018, the Town voted to adopt a resolution denying the permit application for the Original Project;

3. WHEREAS, on April 25, 2018, Crown Castle initiated this action (“Action”) by filing a Petition for Writ of Mandate and Complaint (“Complaint”) against the Town;

4. WHEREAS, on or about June 11, 2020, the Parties entered into a conditional Settlement Agreement (“Conditional Settlement Agreement”), which was approved by the Town on June 8, 2020 (Dkt. 75, Exh. A), and which was modified by mutual agreement of the Parties on July 17, 2021 to extend certain deadlines;

5. WHEREAS, the Conditional Settlement Agreement outlined certain future actions that needed to be accomplished before the issues at the center of this Action could be fully and finally resolved (“Future Actions”), which Future Actions included the processing of applications for a revised network of wireless telecommunications facilities in the Town;

6. WHEREAS, by actions taken by the City Council on June 28, 2021 and July 27, 2021, the Town approved an “Altered Project” as defined in section 4.3 of the Conditional Settlement Agreement;

7. WHEREAS, by correspondence dated August 2, 2021, Crown Castle accepted the Town’s approval of the Altered Project pursuant to section 4.3(b) of the Conditional Settlement Agreement;

THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS:

1. Crown Castle’s Complaint (Dkt. 41) is hereby dismissed with prejudice pursuant to section 4.3(b) of the Parties’ Conditional Settlement Agreement;

2. The Parties are to bear their own costs and attorneys’ fees; and

3. The Conditional Settlement Agreement as modified is incorporated

herein as though fully set forth, including section 15, which allows for proceedings or actions to enforce the Conditional Settlement Agreement to occur in federal and/or state courts in San Mateo County, California, and the Court retains non-exclusive jurisdiction as necessary to permit the effectuation of those terms.

IT IS SO STIPULATED.

Dated: August 13, 2021

NEWMAYER & DILLION LLP

By: /s/ Jason Moberly Caruso

Michael W. Shonafelt  
Jason Moberly Caruso  
Attorneys for Plaintiff  
CROWN CASTLE NG WEST LLC

Dated: August 13, 2021

BEST BEST & KRIEGER LLP

By: /s/ Gail A. Karish

JOSEPH VAN EATON  
GAIL A. KARISH  
Attorneys for Defendants  
TOWN OF HILLSBOROUGH and  
the CITY COUNCIL OF THE  
TOWN OF HILLSBOROUGH

IT IS SO ORDERED.

Date: August 16, 2021

